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TESLA, INC.

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

TESLA, INC.,
v.
MARTIN TRIPP,
Plaintiff,
Defendant.

Case No. 3:18-cv-00296-LRH-CBC

**TESLA, INC.'S UNOPPOSED MOTION
TO FILE ITS REPLY IN SUPPORT OF
ITS MOTION FOR SUMMARY
JUDGMENT, IN REDACTED FORM
AND UNDER SEAL**

AND RELATED COUNTERCLAIMS

1 Plaintiff/Counterclaim Defendant, Tesla, Inc., moves this Court for an order permitting
2 Tesla to redact certain portions of its Reply in support of its Motion for Summary Judgment or in
3 the alternative, Partial Summary Judgment (the “Reply”), which refer to and describe deposition
4 testimony that has been designated confidential pursuant to the Protective Order Regarding the
5 Disclosure and Use of Discovery Material, ECF No. 44 (“Protective Order”) governing this case.
6 The parties met and conferred regarding Tesla’s proposed request to seal this information, and
7 Defendant/Counterclaim Plaintiff Martin Tripp does not oppose this motion.

8 The Reply references information about Mr. Tripp that he has designated confidential
9 pursuant to the Protective Order. Accordingly, through this unopposed motion, Tesla seeks to file
10 a redacted copy of the Reply in order to maintain the confidentiality of this information. Tesla
11 respectfully requests that the Court grant this motion to preserve the confidentiality of this
12 information.

13 Respectfully submitted this 9th day of June, 2020.

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MEMORANDUM OF POINTS AND AUTHORITIES

INTRODUCTION

Tesla seeks permission to file a redacted copy of its Reply to preserve the confidentiality of personal information that Tripp designated confidential pursuant to the Protective Order governing this case. The Reply references this confidential information. Accordingly, compelling reasons exist for permitting Tesla to redact the Reply and file under seal this confidential information. Tripp does not oppose this motion.

LEGAL DISCUSSION

A party may seal a dispositive motion, like here, “by meeting the ‘compelling reasons’ standard” by “articulating the compelling reasons supported by specific factual findings that outweigh the general history of access and the public policies favoring disclosure, such as the public interest in understanding the judicial process.” *Kamakana v. City and County of Honolulu*, 447 F.3d 1172, 1178-79 (9th Cir. 2006) (citation and internal punctuation omitted). Under the “compelling reasons” standard, the need to prevent a party’s sensitive material from disclosure and improper use will, in general, “be sufficient to outweigh the public’s interest in disclosure.” *Id*; see also *In re Reporters Comm. for Freedom of the Press*, 773 F.2d 1325, 1333 (D.C. Cir. 1985) (“courts have refused to permit their files to serve...as sources of business information that might harm a litigant’s competitive standing”). Where the “public’s right of access is rebutted,” the Court has the authority to enter an order sealing or redacting those documents. See *Kamanaka*, 447 F.3d at 1178.

Here, there are compelling reasons to seal the information and materials at issue. The parties and the Court entered into the Protective Order to govern the production, disclosure, and designation of confidential materials in this case. (See ECF No. 44.) The information that Tesla seeks to seal has been designated confidential by Tripp under the terms of the Protective Order. It is necessary to seal this information to protect Tripp’s sensitive personal information. See *NML Capital Ltd. v. Republic of Argentina*, 2015 WL 727924, at *5 (D. Nev. Feb. 19, 2015) (sealing personal email address based on “privacy and security concerns”); see also *Testa v. Chautauqua*

1 Cty., 2014 WL 1875363, at *1 (W.D.N.Y. May 9, 2014) (describing that court had entered a
2 permanent sealing order as to “allegedly private information, including arrest records”). And
3 “[r]edacting this information from the public record will not infringe the quality or integrity of the
4 judicial process, which the public right of access protects, because the information is irrelevant to
5 the merits of [Tesla’s] action.” *NLM Capital Ltd.*, 2015 WL 727924, at *5. Accordingly, there
6 are compelling reasons to allow Tesla to file the Opposition and related exhibits in redacted form
7 or under seal pursuant to Local Rule IA 10-5 and FRCP 5.2.

8 **CONCLUSION**

9 For the aforementioned reasons, the Court should grant Tesla’s unopposed motion and
10 permit it to file the Reply in support of its Motion for Summary Judgment or in the alternative
11 Partial Summary Judgment, in redacted form or under seal. Tesla will publicly file a redacted
12 copy of the Reply, while simultaneously filing an unredacted copy under seal.

13 Respectfully submitted this 9th day of June, 2020.

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